

**COMPREHENSIVE EXEMPTION LIST
FOR THE
DIVISION OF BOATING AND OCEAN RECREATION
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAII
AS CONCURRED IN BY THE
ENVIRONMENTAL COUNCIL, STATE OF HAWAII**

Pursuant to Section 11-200-8, Hawaii Administrative Rules, the following enumerated types of actions, where they fall within the given classes of action, shall generally be exempt from requirements regarding preparation of an environmental assessment, provided that the Division shall determine whether notice be sent to other affected government agencies.

EXEMPTION CLASS 1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

A. STRUCTURES

1. Buildings: repainting, re-roofing, and repairs to and maintenance of furnishings, framework, walls, roof sheathing, flooring, floor coverage, windows, doors, electrical, plumbing, and communication systems, and heating/ventilation/air conditioning units.
2. Termite and pest control treatment using Environmental Protection Agency and State Department of Agriculture approved pesticides under the supervision of certified applicators provided that treatment be limited to existing structures, facilities or equipment.
3. Grooving of existing concrete pavements and approaches to launching ramps to improve skid resistance and safety.
4. Cleaning, chipping, painting, patching of damaged concrete and replacement of structural members to existing roadway structure within State boating facilities.
5. Modification required to existing buildings and equipment to meet new codes and regulations, i.e., Occupational Safety & Health Administration, building, fire, security, accessibility for physically challenged persons, etc.
6. Repairs and modifications to sewage and water pumping stations and treatment facilities to maintain established codes and standards, provided that modifications that expand the capacity or geographical service area of existing facilities shall not be exempt.

B. FACILITIES

1. Resurfacing, sealing, and/or repairing of roadways, roadway shoulders, parking areas, walkways, bikeways, and harbor storage areas.

2. Repair or replacement of fender systems, utilities, manholes, and navigational aids.
3. Repairs or improvements to catwalks, subsidences, loading docks and mooring facilities.
4. Repairs to rock walls, curbing, perimeter seawalls, groins, dikes, breakwaters, boat launching ramps, loading docks, and storm drains.
5. Temporary storage of construction equipment and materials on vacant boating facility properties.

C. EQUIPMENT

1. Repair and maintenance of automobiles, trucks, and maintenance and construction equipment used in the performance of duty.
2. Repair and maintenance of machinery such as tools, mowers, pumps, generators, etc.

D. TOPOGRAPHICAL FEATURES

1. Planting, trimming, mowing, and irrigating State boating facility areas.
2. Clearing and grading, for which grading permits are not required, to maintain safety standards for vehicular traffic.
3. Clearing of swales and drainage conduits to maintain existing flow characteristics.
4. Removal of silt and debris from above high water mark and of sand and limu from boat launching ramps.
5. Clearing of shoreline areas and submerged lands of non-natural hazardous objects and materials such as sunken/derelict craft remnants of World War II invasion protection structures, oil spill residues, etc.
6. Setting aside of State lands to the Division of Boating and Ocean Recreation and provided that an environmental assessment shall be prepared when the Division of Boating and Ocean Recreation proposes a change in existing use of these lands.
7. Transfer of State lands by Governor's Executive Order to the Division of Boating and Ocean Recreation from other State agencies and provided that an environmental assessment shall be prepared when the Division of Boating and Ocean Recreation proposes a change in existing use of these lands.
8. Maintenance dredging of small quantities of material of 100 cubic yards or less from launching ramps, navigation channels and berthing areas at small boat harbors, not to exceed their originally designed depths, with disposal of dredged material at approved landfill sites or the placement of sand on adjacent areas in accordance with Chapter 205A-44, Hawaii Revised Statutes.
9. Subdivision of lot(s) within State boating facilities not within the conservation district.

EXEMPTION CLASS 2:

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

A. STRUCTURES

1. Repair or replacement of frames, sidings, floors, fixtures, windows, fire protection systems, roofing, roll-up doors, and minor renovations/additions/modifications not exceeding 20% of the floor area.
2. Replacement of existing protective structures such as walls and fences to retain necessary security to protect property or ensure public safety.
3. Replacement of mooring piles.
4. Replacement or reconstruction of boating facility structures when flood or other natural phenomena causes complete collapse or serious damage to the structures which render them unsafe for vehicular or vessel use.
5. Replacement or repair of existing deteriorated and/or damaged structures to their original/better condition within areas under the jurisdiction of the Division of Boating and Ocean Recreation such as piers, boat ramps, loading docks, catwalks, mooring buoys, single story office buildings, warehouses, sheds, comfort stations, and shelters.

B. FACILITIES

1. Minor upgrades or replacement of existing roadways, road intersections, roadway markings and striping, roadway shoulders and curves, walkways, and navigational aids to meet acceptable safety standards.
2. Minor upgrades or replacement of utility and drainage systems to maintain a consistent level of service. Drainage improvements will generally consist of the installation of pipe culverts and construction of gutters where minor flooding occurs.
3. Replacement of vehicles and machinery in accordance with Department of Accounting and General Services directives.

EXEMPTION CLASS 3:

Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (A) Single family residences not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions

to serve such structures or facilities; and accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences.

1. Construct appropriate structures not exceeding 1,000 square feet on Division of Boating and Ocean Recreation property and modify/alter Division of Boating and Ocean Recreation structures to house utility or sprinkler system components such as pumps, transformers, etc.
2. Construct/modify/alter garages, carports, shelters, and specialty storage facilities such as paint sheds.
3. Installation of security and safety equipment.
4. Alterations to existing buildings to provide for noise attenuation such as the installation of louvers, acoustic filters or air conditioning.
5. Construction of facilities to accommodate the elderly or handicapped persons where required by law.
6. Installation and removal of sprinkler systems.
7. Utility service connection and installation along and across State boating facilities.

EXEMPTION CLASS 4: Minor alteration in the conditions of land, water, or vegetation.

1. Minor ground adjustments which do not require grading permits for the purpose of eliminating hazards to vehicular traffic or which compromise navigational aids.
2. Landscaping: trimming and/or transplanting of trees; sodding of bare areas for dust and erosion control.
3. Landscaping limited to installation of underground sprinkler or drip irrigation systems and planting of ground cover, shrubs, and trees involving minimum or no grading on property under the jurisdiction of the Division of Boating and Ocean Recreation.
4. Paving of previously graded parking and storage yard areas under the control of the Division of Boating and Ocean Recreation.

EXEMPTION CLASS 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Conduct topographic, sounding, wave, littoral transport, and location surveys.
2. Conduct foundation surveys.
3. Conduct traffic surveys.

4. Conduct graves surveys.
5. Conduct noise monitoring surveys.
6. Conduct drainage studies.
7. Conduct inventories.
8. Conduct building evaluations.
9. Conduct economical analyses (master planning updates).
10. Conduct archaeological surveys.
11. Conduct air quality surveys.
12. Conduct ecological surveys for which no permit is required.
13. Conduct water quality surveys.
14. Conduct subsurface investigations (borings) provided the average surface area disturbed is less than one square foot and the Division of Boating and Ocean Recreation consult with the State Historic Preservation Division of the Department of Land and Natural Resources on exempting such borings or investigations from the requirements for an environmental assessment.

EXEMPTION CLASS 6: Construction or placement of minor structures accessory to existing facilities.

1. Installation of screens, safety barriers, guard rails, and other appurtenances designed to protect the public.
2. Installation of traffic signs, pavement marks, and striping for traffic safety and control.
3. Installation of directional, informational, and regulatory signs.
4. Installation of light standards, provided that where light standards are proposed to be situated near Shearwater nesting sites, the Division of Boating and Ocean Recreation consult with the Division of Forestry and Wildlife, Department of Land and Natural Resources, and the respective county planning department.
5. Installation of screens around trash bin areas and for noise control.
6. Installation of reefer outlets.
7. Construction of bus shelters, telephone booths, and sidewalks.

EXEMPTION CLASS 7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Installation of office partitions and electrical outlets as required.
2. Expand utilities as need dictates in existing structures.
3. Maintaining existing utilities.

EXEMPTION CLASS 8: Demolition of structures, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes.

1. Demolition of existing structures on property under the jurisdiction of the Division of Boating and Ocean Recreation except seawalls and other coastal structures and those structures located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes.

EXEMPTION CLASS 9: Zoning variances except: use, density, height, parking requirements and shoreline setback variances.

None

NOTE: As stipulated by Section 11-200-8(b), Hawaii Administrative Rules, all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.